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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,758	09/08/2003	Dan G. Priem	1094.204US1	1171
21186	7590	11/08/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402			GONZALEZ, JULIO C	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,758

Applicant(s)

PRIEM, DAN G.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuyl (US 4,182,960) in view of James et al (US 5,333,703).

Reuyl discloses an actuator 46 for starting a generator 26" and a logic circuit 48 coupled to sensor 64 and actuator 46 (see figure 1).

However, Reuyl does not disclose detecting a fault condition base on exhaust hazard.

On the other hand, James et al teaches that it is well known for the purpose of monitoring efficiently carbon monoxide levels, a sensor circuit for detecting a risk of exhaust hazard and disabling a device when a risk of exhaust hazard is present (column 5, lines 11-14). Moreover, a transmission position detector is disclosed (column 11, lines 45-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a system as disclosed by Reuyl and to use the

teachings of James et al for the purpose of monitoring efficiently carbon monoxide levels to disable a device if there is a risk of exhaust hazard.

3. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuyl and James et al as applied to claim 1 above, and further in view of Ulinski et al (US 6,700,214).

The combined system discloses all of the elements above. However, the combined system does not disclose explicitly having an automatic circuit with a load sensor.

On the other hand, Ulinski et al discloses for the purpose of providing efficiently high power, load sensors 224, 234, which are used for indicating a need for power from the generator (column 7, line 64 – column 8, line 9; column 8, lines 8-11; column 8, line 65 – column 9, line 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system as disclosed above and to modify the invention by using load sensors for the purpose of providing efficiently high power as disclosed by Ulinski et al.

4. Claims 9, 13, 23, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuyl and James et al as applied to claims 1 and 20 above, and further in view of Ito et al (US 5,276,624).

The combined system discloses all of the elements above. However, the combined system does not disclose explicitly having a wheel detector sensor.

On the other hand, Ito et al discloses for the purpose of eliminating speed changing shocks, wheel rotation sensors 66a, 66b.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system as disclosed above and to modify the invention by using wheel detector sensors for the purpose of eliminating speed changing shocks as disclosed by Ito et al.

5. Claims 8, 11, 12, 14, 15, 22, 25, 27, 30, 31, 32, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuyl and James et al and Ito et al as applied to claims 1, 20, 23, 28 above, and further in view of Riedel (US 5,954,040).

The combined system discloses all of the elements above. However, the combined system does not disclose explicitly having an engine sensor, rpm sensor and exhaust sensor.

On the other hand, Riedel discloses for the purpose of controlling more efficiently an engine, an engine operation sensor, rpm sensor 110, exhaust sensor 155, 145.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system as disclosed above and to modify the invention by using several sensors for the purpose of controlling more efficiently an engine as disclosed by Riedel.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reuyl and James et al as applied to claim 1 above, and further in view of Graber et al (US 6,534,958).

The combined system discloses all of the elements above. However, the combined system does not disclose explicitly having a spark-ignited generator.

On the other hand, Graber et al discloses for the purpose of maintaining a constant output power regardless of operation conditions a spark-ignited generator (see figures 9, 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system as disclosed above and to modify the invention by using a spark-ignited generator discloses for the purpose

of maintaining a constant output power regardless of operation conditions as disclosed by Graber et al.

7. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuyl and James et al and Ito et al as applied to claims 1 and 23 above, and further in view of Duke et al (US 5,432,413).

The combined system discloses all of the elements above. However, the combined system does not disclose using a reluctance sensor.

On the other hand, Duke et al discloses for the purpose of conserving fuel efficiently that reluctance sensors are widely used in vehicles that sensor 56 is a reluctance sensor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system as disclosed above and to modify the invention by using a reluctance sensor for the purpose of conserving fuel efficiently as disclosed by Duke et al.

8. Claims 6, 16, 17, 18, 19 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuyl and James et al as applied to claim 1 above, and further in view of Kawaguchi et al (US 4,961,403).

The combined system discloses all of the elements above. However, the combined system does not disclose explicitly coupling a generator to a recreational vehicle.

On the other hand, Kawaguchi et al discloses for the purpose of reducing engine and generator vibration, coupling a generator 20 to a recreational vehicle 12 (see figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system as disclosed above and to modify the invention by coupling a generator to a recreational vehicle for the purpose of reducing engine and generator vibration as disclosed by Kawaguchi et al.

Response to Arguments

9. Applicant's arguments filed 10/20/05 have been fully considered but they are not persuasive.

The base claims disclose an actuator circuit for automatically starting a generator.

Reuyl discloses an automatic starter 46 for generator 26” (column 4, lines 36, 37; column 6, lines 7-11) and further discloses turning off the generator 26 (column 5, lines 50, 51) and disabling the starting circuit (column 6, lines 55-57).

It was mentioned in the remarks by the Applicant’s Representative that Reuyl failed to disclose turning on the generator when a load circuit needs power. The Examiner disagrees since Reuyl discloses turning on the generator, which is turned on by automatic starter 46 in response to the subsystem of a house or in response to batteries (column 4, lines 65, 66). Respectfully, such devices are *loads* that at a certain time and operation need electrical power and further discloses turning on *automatically* the generator 26 in response to such loads needs (column 4, lines 67, 68).

The James et al reference was mainly used to show that it is common to disable a machines based on risk of exhaust hazard. James et al discloses using sensing devices (column 3, lines 19-21), which inherently are attached to logical devices (column 4, lines 29-67) and further teaches disabling a machine (column 3, lines 24-26), indicative of exhaust hazard, by using the sensing and logical devices. Respectfully, the claims are too broad and not specific enough to differentiate between the present invention and the Prior Art.

10. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

11. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Reuyl teaches using sensors, logic and actuating devices for starting a generator and James et al also teaches using sensors, logic and actuating devices when an exhaust hazard is present. Such references are very well related since both references deal with vehicles and use combustion engines.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

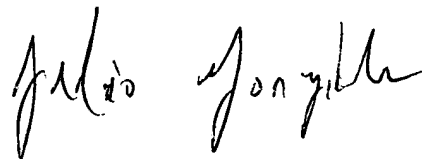
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Julio Gonzalez", with a stylized, cursive script.

Julio C. Gonzalez
Examiner
Art Unit 2834

Jcg

November 4, 2005



1/2

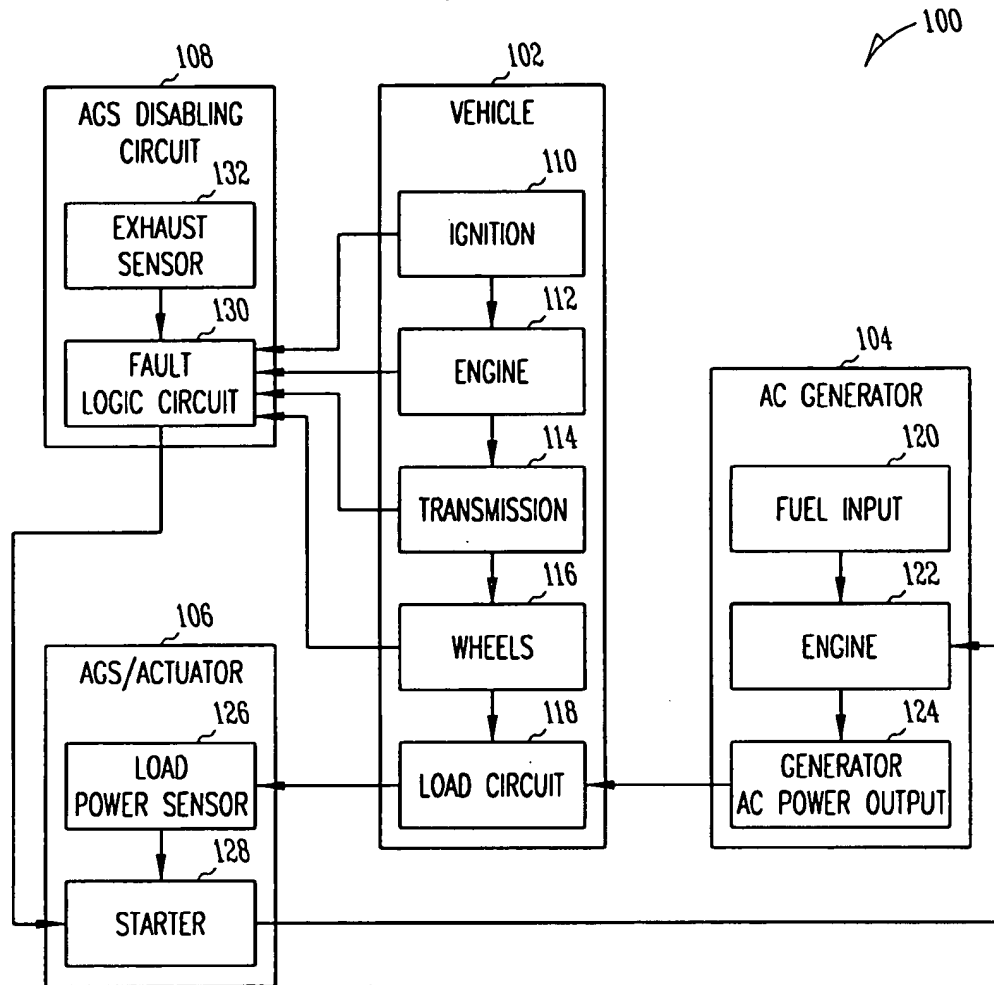


FIG. 1

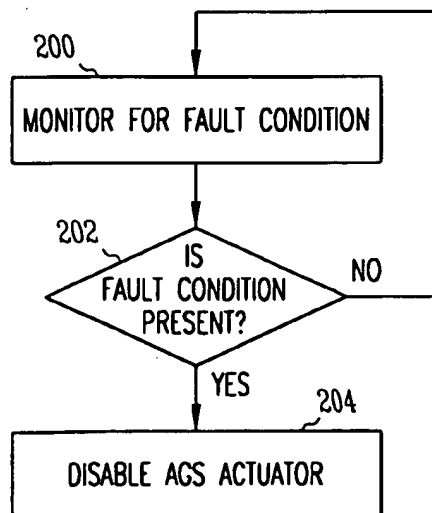


FIG. 2

Approved 11/10/05

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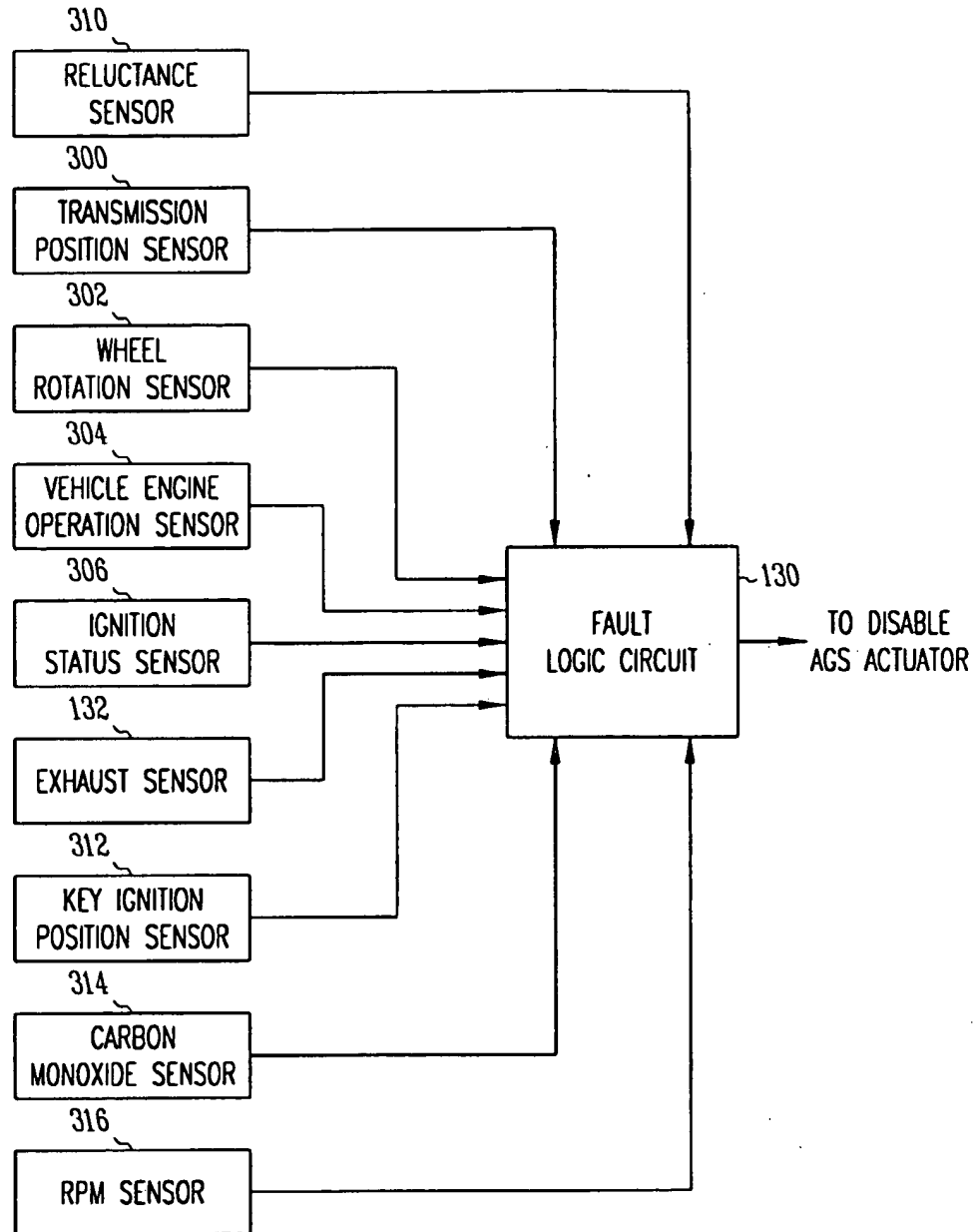


FIG. 3

Approved *[Signature]* 11/04/05